

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM C. ULERY,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C06-5192RBL

ORDER DENYING COUNSEL

This 28 U.S.C. § 2254 petition has been assigned to the undersigned Magistrate Judge. Petitioner has filed a letter asking how to get counsel appointed to him. (Dkt. #11). The letter was not served on opposing counsel, however, the court considers the letter as a motion for appointment of counsel.

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See Terravona v. Kincheloe, 852 F.2d 424, 429 (9th Cir. 1988); Brown v. Vasquez, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

ORDER- 1

1 An evidentiary hearing has not been granted in this case. Further, the claims in the petition are
2 adequately set forth and articulated. Petitioner's motion for appointment of counsel (Dkt. # 11) is
3 therefore **DENIED**.

4 The clerk is directed to send copies of this order to petitioner and counsel for respondent.
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7 DATED this 1st day of June, 2006.
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/S/ J. Kelley Arnold

J. Kelley Arnold

United States Magistrate Judge
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